ratings are presented in this document and USACE issued a Notice of Preliminary Jurisdictional Determination on February 11, 2008. ESI completed the Rapanos Forms for the selected corridor and submitted them to USACE for review and comment. USACE issued a Final Jurisdictional Determination on November 11, 2009.

Comment: "NCDOT should identify more rigorous avoidance/minimization measures prior to the Merger concurrence point 3 (LEDPA) meeting. EPA would recommend a combined concurrence point 2A/3 meeting in order to accurately weigh the alternatives in terms of wetland/stream impacts, costs from bridging and other environmental considerations."

Response: Since the SDEIS, NCDOT has conducted numerous meetings with federal (including USEPA) and state resource agency representatives to discuss avoidance and minimization measures for the project. A CP2A field meeting held on March 6, 2007 resulted in reverification of jurisdictional features and an update of the Jurisdictional Determination. Once this was completed, a CP2 revisited meeting was held which eliminated Alternatives 2, 2B, 4A, 4B, 4H, 4I and 4ID from further consideration on May 22, 2008. Also, on this data, a CP2A meeting was held and bridging decisions were concurred upon for the northern portion of the project from Chadwick to New Bern. Additional meetings were held on the following dates:

- June 19, 2008 (CP3 Northern, CP3 Revisited, Maysville Bypass)
- October 16, 2008 (New option presented for Alternate 2A to minimize jurisdictional impacts between Alternate 2A and Alternate 2C.)
- December 12, 2008 (Field Meeting, Maysville Bypass)
- December 16, 2008 (CP3 Revisited, Maysville Bypass)
- April 16, 2009 (CP3 Revisited, Maysville Bypass)
- September 20, 2009 (CP4A, Pollocksville Bypass)
- May 25, 2010 (CP3, Maysville Bypass)
- April 12, 2011 (CP4A, Maysville Bypass)

Design efforts implemented as part of Concurrence 4A include the following avoidance/minimization measures:

- Horizontal alignment shifts.
- Perpendicular stream crossings.
- Use of 3:1 side slopes in wetlands